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USAID/MACEDONIA JUDICIAL STRENGTHENING PROJECT

QUARTERLY REPORT: JULY-SEPTEMBER 2013



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LIST OF ACRONYMS

AC	Appellate Court
AO	Administrative Office of the Court Budget Council
ACCMIS	Automated Court Case Management and Information System
ABMS	Automated Budget Management System
BAR	Bar Association of the Republic of Macedonia
BC	Basic Court
CAA	Court Administration Association
CBC	Court Budget Council
CIRa	Center for Institutional Development (Macedonia)
COP	Chief of Party
COR	Contracting Officer's Representative
CSC	Court Services Council
CSO	Civil Society Organization
DCOP	Deputy Chief of Party
ECR	Electronic Court Recording
ELSA	European Law Students' Association
EU	European Union
GOM	Government of Macedonia
HO	Home Office
ICT	Information and Communication Technology
IDEAS	Investment Development and Export Advancement Support
JBF	Judicial Branch Forum
JC	Judicial Council of the Republic of Macedonia
JSP	Judicial Strengthening Project
JTA	Academy for Judges and Public Prosecutors (also known as Judicial Training Academy or the Academy)
LCP	Law on Civil Procedure
LCS	Law on Court Service
LPA	Legal Professional Association
MJA	Macedonian Judges Association
MLA	Macedonian Lawyers' Association
MYLA	Macedonian Young Lawyers Association
PAR	Performance Assessment Report
PMP	Performance-Management Plan
PPA	Public Prosecutors Association
ROLC	Rule of Law Coalition
RFQ	Request for Quotation
SC	Supreme Court of the Republic of Macedonia
STA	Senior Technical Advisor
Tt DPK	Tetra Tech DPK
USAID	United States Agency for International Development
USG	United States Government

INTRODUCTION

The United States Agency for International Development (USAID)/Macedonia Judicial Strengthening Project (JSP) is an ambitious four-year endeavor that started in November 2011. The overarching objective of the project is to help the Macedonian judiciary to evolve as an independent, self-governing, effective, and accountable branch of government capable of meeting the needs of citizens, businesses, and organizations for prompt and impartial protection of their rights and adjudication of their legal disputes.

This quarterly report for April through June 2014 focuses on the progress and implementation of programmatic activities and tasks aimed at delivering the results required under the Tetra Tech DPK (Tt DPK) contract with USAID. A brief description of the objectives, areas of work, project activities, and expected results follow.

1. OBJECTIVES

The overarching objectives of the project are to strengthen the role of the judiciary in the separation of powers and to develop broad-based support for rule of law and judicial-sector reform. More specifically, the project focuses on supporting the development of professional associations in the justice sector, developing effective court governance systems and practices, and improving the efficiency and quality of justice.

2. AREAS OF WORK

The project's main components are outlined below.

2.1 Advocacy and Citizen Participation in Judicial Sector Reforms

The JSP supports the development of the capacities of professional associations in the justice sector to play a leadership role in efforts to reform the justice system, to advocate for the interest of their members, and to increase public awareness and participation in justice-sector reforms and rule-of-law issues.

2.2 Independent, Efficient, and Consistent Application of Judicial-Sector Policies and Practices

The JSP develops effective court governance systems and practices, increases the role of the judiciary in preparing laws and policies governing the judiciary branch, establishes regular coordination and consensus-building on key issues among judicial institutions, promotes more effective and accountable operations of judicial-sector institutions and courts, improves court operations through innovation and technology, and designs and applies performance standards.

2.3 Effective Legal Personnel and Efficient Processes

The JSP improves efficiency and quality of justice by providing specialized trainings to judges, by developing and applying national time standards for case processing, and by building the capacities of court personnel to provide efficient services to court users.

3. PROJECT ACTIVITIES

The project provides technical and managerial experience to key counterparts in the judiciary, legal professional associations (LPAs), and civil society organizations (CSOs) active in the judicial sector.

The range of support includes a combination of targeted long-term technical assistance, advisory services, project initiatives, and other forms of assistance identified as necessary for each of the results prescribed. Key activities and tasks include the following:

- Identifying and supporting key civil society and professional associations in their efforts to promote civil society support for the rule of law and an independent judiciary
- Building capacity of designated LPAs
- Assisting designated LPAs and CSOs in supporting laws, policies, and practices that support judicial independence
- Identifying gaps and/or idiosyncrasies in policies and practices of judicial administration and management and support reform
- Building leadership and management capacities
- Supporting the development of needs-based budgets for the courts
- Supporting education for various sectors of the judicial sector, including president judges, court administrators, and court staff to enhance efficiency and timeliness

4. PROJECT RESULTS FRAMEWORK

The USAID/Macedonia JSP employs a results-driven approach to its planning and programming.

4.1 JSP Results Areas

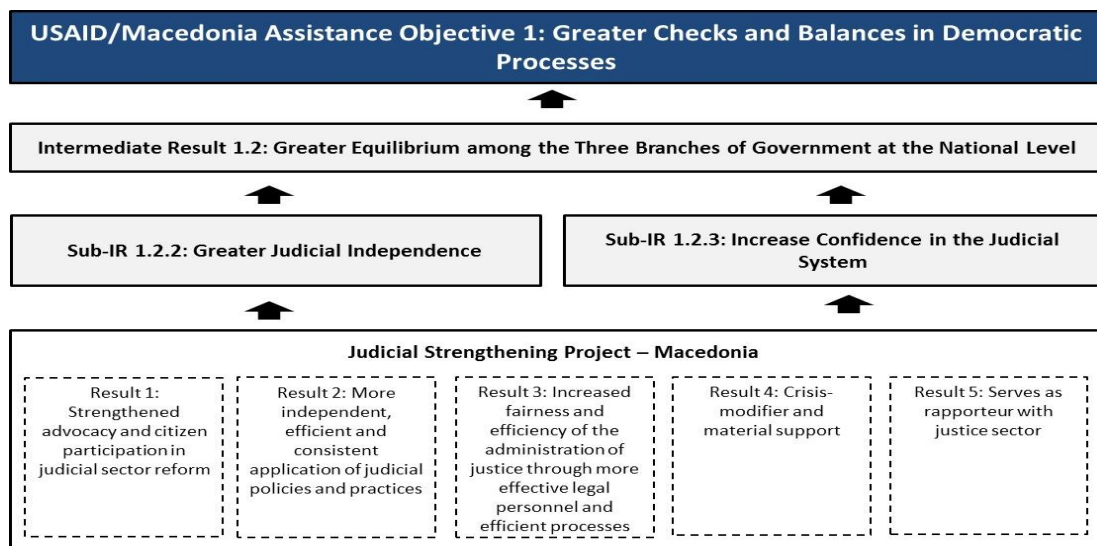
In Year II, the project has continued to focus on five key results:

- Result 1: Strengthened advocacy and citizen participation in judicial sector reform
- Result 2: More independent, efficient, and consistent application of judicial policies and practices
- Result 3: Increased fairness and efficiency of the administration of justice through more effective legal personnel and efficient processes
- Result 4: Crisis-modifier and material support
- Result 5: Serving as *rapporteur* with justice sector

These five results areas contribute to the USAID Foreign Assistance Framework for Macedonia.

4.2 USAID Results Framework

The JSP supports the USAID/Framework for Macedonia Assistance Objective 1: Greater Checks and Balances in Democratic Processes. Under this Assistance Objective, the project supports Intermediate Result (IR) 1.2: Greater Equilibrium among the Three Branches of Government at the National Level. Specifically, the JSP works toward Sub-IR 1.2.2: Greater Judicial Independence, and Sub-IR 1.2.3: Increased Confidence in the Judicial System. The chart below illustrates the conceptual linkages between the JSP and the USAID/Assistance.



PROGRAM-RELATED ACTIVITIES AND TASKS

RESULT 1: STRENGTHENED ADVOCACY AND CITIZEN PARTICIPATION IN JUDICIAL SECTOR REFORM

1.1 Requirement 1.1: A Short, Focused Assessment, Baseline Survey, and Resulting Action Plan on Justice Sector Legal Professional Associations and Civil Society Organizations, and the Role they can play in Strengthening the Rule of Law in Macedonia

The JSP fulfilled Requirement 1.1 during its first two years of implementation.

1.2 Requirement 1.2: Per the Findings of Requirement 1.1, the Capacity of at Least Two Judicial Sector Professional Associations are Improved

Per the findings of Requirement 1.1, the JSP designed, delivered, and completed a training program to build the capacities of the Macedonia Judges Association (MJA), Court Administration Association (CAA), and other legal professional associations (LPAs), as well as CSOs. The sections below outline the follow up activities and events carried out during May 2014 that built on the implementation of the training program.

1.2.1 Other Support for Legal Professional Associations and Civil Society Organizations

Macedonian Young Lawyers Association (MYLA)

On April 11, with support from the JSP, MYLA completed a successful one-day training session on Project Cycle Management for members of the European Law Students Association (ELSA). This assistance is described in greater detail in the ELSA section.

During the reporting period, the JSP continued to work on procuring design and printing services for publishing the Challenges, Problems, and Perspectives of the Legal Profession in Macedonia, which summarized the outcomes of the JSP supported MYLA National Conference in December 2013. The analysis and conclusions of the conference were finalized in March 2014, and the text is currently under review. Once finalized, the JSP will conduct a procurement process for the design and printing of the document. MYLA is currently the presiding organization of the newly formed Rule of Law Council, described in greater detail below.

Court Administration Association (CAA)

In cooperation with the CAA, the project completed a workshop on April 15-16 for process mapping of the courts' IT operations. This activity supports implementation of the Information and Communication Technology (ICT) action plan developed during the Netherlands/Slovenia study tour and is described in detail under Result 3, *Support implementation of the Year 2 study tour Action Plan related to ICT*.

On April 28-29, the JSP supported the second roundtable for finalizing proposed changes to the LCS. Nineteen CAA members participated in the roundtable, including 7 court administrators, 10 court clerks, and 2 court police representatives. The group used the text of the amendments prepared at the first roundtable held in February as a basis for discussion.

On May 28-30, the CAA, with support from the JSP, held its Fifth Annual Assembly in Tetovo. The agenda included a review of the CAA's proposed revisions to the new Law on Court Services (LCS), a presentation by the Ombudsman on the new LCS, and a presentation of the Courts' House Rules and Regulations for personal data protection. Mr. Ilija Nikolovski, the court administrator of the Appellate Court in Bitola, presented his impressions and lessons learned from the September 2013 JSP study tour to the Netherlands and Slovenia. Ms. Martina Smilevska, the MYLA President presented the goals and achievements of the recently established Rule of Law Coalition (ROLC). The CAA also reelected Mr. Borce Mirceski, who will serve another mandate as president of CAA for the next five years.

The CAA finalized the preparation of its third newsletter, and the JSP supported its printing and distribution. One part was distributed at the CAA Annual Assembly and the rest through the CAA branch offices.

European Law Students Association (ELSA)

Website. On April 8, the project signed a subcontract with local vendor Virgo Computers to develop ELSA's website. ELSA and Virgo Computers began working on the website's draft design and started populating the contents of the site in April. The site will consist of two platforms: one designed for public use containing general information about ELSA's activities and contact information; a second accessible to ELSA members only with an array of services and tools, including an online library of relevant publications for the students, administrative forms to process university related issues, and an online mechanism to apply for internship programs.

During May 2014, the draft design and layout were reviewed and approved by the ELSA board. The site was officially launched the last week of June. A series of one-day trainings was completed during the reporting period to enable select ELSA members to continue populating the site. Two additional trainings will be held for the website's administration. A user's manual is being prepared by Virgo Computers for future ELSA website administrators; it will be included in the administration portion of the website. All features of the website were finalized in June and the ELSA President signed the acceptance paper.

Training and Cooperation. The project continued to promote cooperation among LPAs with a second training completed on Project Cycle Management. MYLA conducted the training on April 11 to strengthen the capacities of ELSA's current Executive Board members, as well as proactive members who will be part of the next board. Fourteen ELSA members participated and were introduced to the project cycle management process. Through practical exercises, participants were identified three topics for future ELSA projects: Hate Speech, Rights of the LGBT Community, and Reform of Legal Education in Macedonia. The trainers shared funding information from the US Embassy, Norwegian Embassy, the USAID Civil Society Project, European Youth Foundation, and TASCO (Technical Assistance for Civil Society Organizations) to which ELSA can send in applications.

Membership and Brochure. On April 17, the JSP supported a membership drive event at University Goce Delchev in Shtip. Four ELSA members delivered a detailed presentation on ELSA's structure and activities and member opportunities. The presenters reviewed and distributed two brochures: "Organizational System of the Judiciary in Macedonia" and "Prevention instead of Punishment – System of Juvenile Justice" to approximately 70 participants. The brochures were developed by ELSA and published with JSP support. The objective of this event was to attract new members from the University and ultimately create an ELSA chapter in Shtip.

Juvenile Justice Brochure. The third promotion of the brochure "Prevention Instead of Punishment – System of Juvenile Justice" was presented on May 7 by two ELSA members, who described in detail the objectives of juvenile justice, the benefits of crime prevention, and the alternative measures and sanctions

for minors. Approximately 40 students from the Vasil Antevski Dren Secondary School attended the event at the Basic Court Skopje I and learned about the laws that apply to them. Many of the students were unaware that they could be charged for criminal acts as minors, which led to a very productive post-presentation discussion with two judges who preside over juvenile cases. The students also toured the court premises, including the courtrooms, archives, and PR office.

Brochure on free access to public information. Several ELSA members worked with the Commission for Free Access to Public Information and finalized a brochure titled, “You Have a Right to Know.” The final text was translated into Albanian, reviewed by the Commission, and sent back to the project on April 28 for printing. Six thousand (6000) bilingual copies of the brochure were printed and distributed equally to ELSA and the Commission on May 28. To reach the broadest audience possible, the Commission will distribute copies of the brochure to attendees at their June 3 Free Access to Information Training with the Academy for Judges and Prosecutors. The Commission pledged to continue distributing brochures at all further events, and to place the brochure in both Albanian and Macedonian on their official website.

Bar Association of the Republic of Macedonia (BAR)

During the reporting period, the JSP signed a subcontract with local vendor Fridge Check for the development of the BAR’s website. Fridge Check and the BAR started with a preliminary version of the website, which was then transferred to a different hosting service. The vendor is populating the new website with data received from the BAR (such as lists of certified lawyers, lists of lawyers specialized in juvenile justice, calendar of events) and transferring data from the old to the new website. The BAR approved the first draft design of the website on May 30, and the website is expected to be completed and launched in early July.

Association for Emancipation, Solidarity and Equality of Women (ESE)

Bench book on domestic violence for judges. US Judge Michael Kavanagh was in country from May 11-22 to provide technical assistance to the working group drafting the Domestic Violence Bench Book for judges. Prior to his arrival, the working group, comprised of five basic court judges and two public prosecutors, had agreed on the dynamics of the working group and had concluded that the group would meet monthly. Publishing is planned for November.

On May 15-16, Judge Kavanagh facilitated a workshop for five Basic Court judges and three ESE employees, during which, he presented his observations regarding the problem of domestic violence in Macedonia and provided recommendations for the structure and content of a Domestic Violence Bench Book. The working group also discussed possible improvements to the current procedures for handling domestic violence cases in civil and in criminal courts. Judge Kavanagh provided valuable insight about the role of judges in providing appropriate and timely legal protection to the victims of domestic violence.

During a second working meeting on June 16-17, the group prepared the first draft of the text. Each member will thoroughly review the text prior to the third workshop, scheduled for September 25–26, 2014.

1.2.2 Broad-Based Rule of Law Coalition of LPAs

The idea of forming the Rule of Law Coalition (ROLC) in Macedonia was the result of the 2013 study tour to Sweden and Estonia for members of the All for Fair Trials (AFFT), MYLA, CAA, and ELSA. The Coalition was modeled after the Network of Estonian Nonprofit Organizations (NENO), a broad-based organization of NGOs from different sectors.

On April 14, a ROLC meeting was held at the JSP office to review the activities outlined in the 2014-15 strategic plan finalized in March and agreed on the following action items. MYLA will create a mailing list of potential ROLC stakeholders and open a domain for the ROLC website and e-mail addresses. The CAA will create the logo and visual identity of the ROLC. All founding organizations – MYLA, CAA, and ELSA – will develop ROLC membership criteria. The project will continue providing assistance and hosting ROLC coordination meetings through June 2014.

Workshop with ROLC and Urmo Kübar – NENO Estonia

On May 28, the JSP COP met with the President of MYLA, the organization set to assume the presiding role of the ROLC in June, to discuss the consultancy of Mr. Urmo Kübar, a well-known Estonian civil activist and former Executive Director of NENO, as well as other activities of the ROLC.

On June 11-12, Mr. Kübar facilitated a workshop to provide ROLC members with a thorough understanding of the inception and progress of NENO. Mr. Kübar also shared his ideas and experiences. The workshop also focused on the lessons learned by NENO in their evolution as an umbrella organization and how those lessons apply to the ROLC when establishing a similar network among NGOs and CSOs and increasing membership and funding.

Topics of the workshop included: a comparison in establishment and development between the two organizations, the criteria for admission and exclusion from membership, the management of the networks, and communication with different stakeholders, as well as the preparations for the ROLC's first public campaign. According to the workshop participants, Mr. Kübar's assistance was well received very valuable before the official launch of the ROLC.

RESULT 2: MORE INDEPENDENT, EFFICIENT AND CONSISTENT APPLICATION OF JUDICIAL POLICIES AND PRACTICES

2.1 Requirement 2.1: Legal Framework and Judicial Branch Policies Strengthen Independence, Effectiveness, and Accountability of the Judicial System

2.1.1 Review and Advocacy of Laws by the Judiciary

Judicial Branch Forum (JBF)

The JBF provides an opportunity for leaders of the judicial branch institutions and associations to discuss the progress, current status, and next steps in the implementation of judicial reforms in Macedonia. The JSP supported the following activities in preparation of the JBF's next meeting:

- The Civil Departments of all Appellate and Basic Courts met and agreed on the following topics for the Law on Civil Procedures (LCP) trainings: securing and disclosure of evidence, handling and treatment of incomplete or incomprehensible filings, service of process with a focus on the delivery of summons in foreign countries, harmonization of court practices pertaining to the expenses of the procedure, determining the value of a claim, and revision as an extraordinary legal remedy.
- The President of the Judicial Council (JC), the President Judges of all Appellate Courts, the Director of the Judicial Training Academy (Academy), and the President of the MJA agreed on the following topics for LCP trainings: service of process, revision as an extraordinary legal remedy, determination of case value, payment orders, burden of proof, expert testimony, and court relations with enforcement agents and notaries. The first LCP training for judges from Appellate Courts Bitola and Gostivar will be organized in September 2014.
- On May 19, MJA hosted a meeting with the president judges of the four appellate regions, representatives from the Chamber of Enforcement Agents, Notary Chamber, and the BAR, and

the JSP COP. The participants discussed the difficulties encountered by lawyers, notaries and enforcement agents in the implementation of LCP provisions.

The sixth JBF meeting was held on June 26-27 in Mavrovo. The agenda included the following topics; conclusions were adopted following fruitful presentations and discussions:

1. Systematic training on LCP provisions:
 - Participants discussed the training topics noted above; final topics will be determined by the coordination team.
 - Presidents of the four Appellate Courts and two Supreme Court Justices were appointed as trainers.
 - In support of the JBF's previous decision to establish a training coordination team by July 15, the JSP will prepare and send an official letter to the Supreme Court requesting nomination of a team coordinator.
 - The team will be comprised of the coordinator and one other Supreme Court Justice, Presidents of the four Appellate Courts, one law school professor, and one representative each from the BAR, Chamber of Enforcement Agents and Notary Chamber.
 - The training coordination team, in cooperation with the Academy, will meet by July 15 to confirm the training topics, assign trainers for each topic and schedule the first event.
 - All judges that adjudicate civil cases should participate in the trainings.
 - The trainings will be modular and will include case simulation.
 - Materials will be compiled and printed with JSP support and will serve as a manual for all judges.
2. Impressions from the US study tour (June 8-15) – introduction of the Differentiated Case Management (DCM) and National Time Standards (NTS) in the Macedonia judiciary;
3. Members of the JBF will complete the USAID Physical Accessibility Checklist to assess persons with disabilities' access to court buildings. The checklist also contains specific accessibility requirements.
4. Implementation of the Law on Personal Data Protection. In response to the inspections conducted in all courts by the Directorate for Personal Data Protection, the following conclusions are adopted:
 - Courts will continue with the activities regarding the registration of controllers at the Central Registry, preparation of rulebooks and other normative activities that do not cause financial implications for the courts.
 - Current fiscal year funds are not adequate for implementation of the Law's obligations or for overcoming the irregularities identified by the inspections. Courts will, based on their identified needs, request the necessary equipment, human resources and trainings from the Court Budget Council (CBC).
5. On June 20, the MJA adopted the new Code of Judicial Ethics. As required by the new Code, the Advisory Body will be established by July 15 and will be fully functional by September 2014. The JSP will support publishing of the new Code and posters with excerpts for all judges.
6. The JSP will support a two-day workshop during which a Court Service Council working body will prepare an analysis of the working posts in those courts that have employees with inadequate education for the position that they occupied and a draft collective agreement for court administration. A description of duties and responsibilities for all court positions will be prepared with the aim of unifying responsibilities for each posting.

7. Staffing Guidelines Report. It was agreed that in the courts of basic jurisdiction, the ratio should be one typist per two judges, and in the courts of extended jurisdiction, one typist per judge. The ratios for the court clerks, intake office employees and managing employees will be elaborated at the next JBF. The report will be distributed to all courts, together with the Analysis for the working posts in the courts filled with inappropriate employees.
8. The next JBF will be organized in October 2014 in the Shtip appellate region.

2.2 Requirement 2.2: Administration and Management Rules, Policies and Procedures, Systems and Practices to Support a Modern Court System

2.2.1 Strategic Plan for the Judiciary

As previously reported, the JSP engaged local subcontractor CIRa to support the development of the Judiciary's 2014-2016 Strategic Plan. During April, CIRa worked on finalizing the Strategic Plan budget and submitted the final version of the plan for the JSP's review on April 23. The project sent final comments to CIRa on April 28 and submitted the final version to the JC in early May. The final Strategic Plan for the Judiciary is expected to be adopted at the next session of the CBC in July.

2.2.2 Assist courts to improve transparency and communication with public and media

The JSP continued supporting publications that help increase transparency of the judiciary and communication with the public. During the quarter, the JSP supported the publishing and distribution of the four appellate courts' 2013 annual reports. These reports contain data on the number of judges, number of cases for the current year, and highlight courts' achievements per appellate region. These publications were prepared entirely by the appellate courts to increase communication between the judiciary and the public and media. The JSP supported the printing and distribution of 700 copies.

In June, JSP received the Judicial Practice Bulletin prepared by the Appellate Court Shtip and the Appellate Court Bitola. The JSP will support the printing of these publications with 700 copies each and will encourage all other appellate courts to prepare similar publications and the JSP will offer support for printing.

2.2.3 Support Development of Needs-Based Budgets

During the quarter, the JSP signed a subcontract with the local consulting firm BASME for the delivery of five trainings on financial management, human resources management, projecting case workload, and calculating cost per case. The trainings targeted president judges, heads of court departments, court administrators, and court finance staff of the four appellate regions to help courts develop accurate budget proposals for 2015 based on past data.

BASME consultants and the Head of the Administrative Office of the CBC (AO) define details about the content of the trainings and training methodology. The JSP organized four two-day trainings on planning, court budgeting and management:

- May 6-7, in Strumica, for Shtip appellate region, attended by 30 participants;
- May 19-20 in Bitola, for Bitola appellate region, attended by 23 participants;
- May 22-23 in Skopje, for Gostivar appellate region, attended by 14 participants; and
- May 26-27 in Skopje, for Skopje appellate region, attended by 35 participants.

The workshops trained judicial and non-judicial court staff in calculating the actual and planned cost per case based on the court's workload, case type, and case complexity. Prior to the trainings, court staff completed BASME prepared tables with data pertaining to the workload status for the previous three

years, the number of court staff, the status of financial accounts, and staff member salaries. The workshops were interactive and included several practical assignments. BASME compiled and analyzed the cost per case data collected from all appellate courts and presented their findings at the session for all President Judges on June 24. The JSP will follow-up with the AO in the fall and will consider providing additional support for courts in need of remedial assistance

2.2.4 Strategic Plans for the Basic Court Skopje 1, Basic Court Skopje 2 and the Academy for Judges and Public Prosecutors

Through a competitive procurement during the reporting period, the JSP awarded a subcontract with Trajkovski & Partners Consulting (TP Consulting) to support the development of three-year strategic plans for the Academy and the Basic Courts (BC) Skopje 1 and Skopje 2. Upon award, the JSP and TP Consulting agreed on the expected results of this activity, the method of communication with the counterparts, the process of obtaining necessary materials, and the next steps.

During initial consultations with the Academy Director and other representatives, TP Consulting elaborated on the approach that will be applied for developing the strategic plan, and the Academy presented laws and other regulations that govern its structure and activities. It was agreed that the Academy will complete the self-evaluation questionnaire developed by TP Consulting by July 1, and the first general strategic planning workshop for the Academy will take place on July 8-9.

The JSP also organized initial meetings with president judges of Basic Courts Skopje 1 and Skopje 2 to familiarize them with the activity. The President Judges were asked to establish a team of 7-10 employees (judges, president of departments, court administrator and IT) that will be asked to complete a self-evaluation questionnaire and brainstorm with TP Consulting.

2.2.5 Continue to support appellate courts civil judges regarding harmonization of court decisions

Part of the JSP's ongoing assistance to the Academy includes providing logistical support to a leadership team initiative that meets to discuss court decisions. On May 16, the JSP worked with the Academy and organized the first meeting of appellate courts civil judges for harmonization of court decisions this year. Forty-seven judges attended this meeting, including two Supreme Court Justices. Seven disputable legal issues on the agenda were discussed and a consensus for almost all issues was reached by the end of the meeting. The next meeting will be held in the second half of this year.

2.2.6 Provision of passwords to judges for use of on-line data base of laws

The JSP, in coordination with the private company "Akademika" and the Judicial Council of RM, facilitated the provision of 235 passwords to the judges of all courts in RM to access an on-line data base of laws free-of-charge for six months. This database, owned and administered by Akademika, is a valuable tool for judges as it provides integrated texts of all laws including all amendments.

2.2.7 Accounting procedures adopted by CBC

During the April 4 session, the CBC adopted the accounting standards and procedures that were developed with JSP support. In 2012 and 2013, the JSP supported several workshops for the development of protocols for court accountants aimed at standardizing the work of court accountants in developing budgets based on high-quality, comparable and consistent financial data. During the process, the AO received valuable assistance from the State Audit Office. JC internal auditors and the State Audit Bureau noted several times that this is an area where unification in the courts is strongly recommended.

RESULT 3: INCREASED FAIRNESS AND EFFICIENCY OF THE ADMINISTRATION OF JUSTICE THROUGH MORE EFFECTIVE LEGAL PERSONNEL AND EFFICIENT PROCESSES

3.1 Requirement 3.1: Develop and Implement Targeted Specialized Trainings for Judges, Court Administrative Executives, and Court Staff

3.1.1 Continue training opportunities for judges with the Academy

Following up its decision to support the Academy in Commercial Law trainings, the JSP in cooperation with USAID Investment Development and Export Advancement Support Project (IDEAS) organized the first commercial law roundtable with the Academy, business chambers, and lawyers. The roundtable titled “The Influence of Legal Regulations on the Solvency of Companies” was attended by fifty-two (52) participants, including representatives from the Academy, judges, lawyers, notaries, enforcement agents, representatives of five business chambers, and officials from the Ministry of Finance.

The three topics of the roundtable included the Bankruptcy Law, the Law on Financial Discipline, and the new financial instruments for compulsory payment of debts. Presentations were made by Ms. Violeta Petrovska, Mr. Jane Sevdinski, Mr. Igor Dimitrov and Mr. Gjoko Gjorgeski, all officials from the Ministry of Finance, and Mr. Dejan Kostovski, a consultant and former bankruptcy judge. The substantive aspects of the roundtable were based on several planning meetings the JSP held with Mr. Goran Lazarevski, the Senior Advisor of the USAID/ IDEAS who provided valuable suggestions on the topics and target audience.

3.2: REQUIREMENT 3.2: IMPROVE CASELOAD PROCESSING AND REDUCE BACKLOG OF CASES

3.2.1 SUPPORT FOR JUDICIAL SECTOR AUTOMATION

Electronic Digital Recording of Court Hearings and Trials

The JSP’s embedded Electronic Court Recording (ECR) consultant to BC Skopje II continues to promote and improve the use of ECR in the courts. BC Skopje II is the country’s largest civil court and has the largest caseload and the highest number of courtrooms with ECR equipment (28).

The refresher trainings on the use of the ECR equipment for civil judges, court typists, and other court personnel in 29 courts trainings, that began on January 20 in the Gostivar Appellate area, continued through April and May, and concluded on May 6 at BC Bitola (Find detailed list table of trainings for the reporting period below).

No.	Court	Dates	Participants			
			Judges	Typists	Other Court Staff	Total
1.	Basic Court Kochani	April 1	4	7	/	11
2	Basic Court Shtip	April 2	3	11	/	14
3.	Basic Court Strumica	April 3	2	1	4	7

4.	Basic Court Negotino	April 4	2	5	/	7
5.	Basic Court Krushevo	April 15				/
6.	Basic Court Prilep	April 16				/
7.	Basic Court Bitola	May 5, 6	5	5	/	10
TOTAL:						49

The JSP is considering an additional Train the Trainers program for Typists in each appellate region and IT Administrators from every court to enhance their skills. Those selected for the training will become local ECR resources for their colleagues. Upon availability of the ECR consultant, the trainings are tentatively scheduled for September/October, after court recess.

ACCMIS Back up procedures testing at BC Debar

On April 3-4, the BC Debar ACCMIS backup procedure was tested by the IT Administrators in the Gostivar Appellate region courts. The backup procedure and data restoring process passed the test without any significant problems, which confirmed that the written procedure for backup of ACCMIS data is functional in the Gostivar Appellate region.

Support implementation of Netherlands/Slovenia study tour Action Plan related to Information and Communications Technology (ICT) areas

On April 15-16, the JSP organized a workshop for process mapping of the courts' IT operations. This activity was implemented to support courts' current obligation to prepare and adopt seven sub-regulations for personal data protection, which covers an array of issues related to the ICT operations of the courts.

Twenty-one participants attended the workshop, including Court Officers for protection of personal data, court IT staff, and court administrators. A representative of the Directorate for Personal Data Protection was also present, facilitating the discussion and assisting the group with his extensive experience in this area. As a basis for discussion, the group used the draft-regulations prepared by BC Skopje I.

The following seven sub-regulations were developed at the workshop:

- 1) Regulation for technical measures for providing confidentiality and protection of personal data
- 2) Plan for implementing sub-regulation I
- 3) Procedure for defining responsibilities of the courts' IT staff and other authorized personnel when processing documents and using court IT equipment
- 4) Procedure for disposing of documents and cleaning/disposing of media devices
- 5) Regulation for video surveillance of court premises
- 6) Procedure for backing-up, archiving, and storing personal data
- 7) Procedure for reporting and eliminating incidents in the courts.

On April 23, JSP sent the set of regulations to all courts for review and adoption along with several additional documents provided by the Directorate for Personal Data Protection. By the end of the quarter, most courts had adopted these sub-regulations.

Study Visit to Serbia

On May 11-13, the JSP sent a Macedonian delegation on a study tour to Serbia. The delegation's six participants included a SC Justice, the head of the SC's IT Center, a SC Judge's advisor, BC Veles IT Administrator, and two JSP staff. They visited the Supreme Court of Serbia, the Appellate Commercial Court, and the Commercial Court of Belgrade. The goal of the visit was to familiarize delegation members with Serbia's system for publishing court decisions online and creating judicial precedence.

IT Roundtable

The third IT Roundtable to discuss the proposed regulations for personal data protection was held on May 19-20 in Bitola. Participants included 56 IT administrators and officers for personal data protection from all courts.

On day one, participants were divided into four groups representing each appellate region. Each group reviewed some of the seven draft regulations applicable to the work of their courts, and identified the difficulties and problems that may occur during the implementation of the regulations. After the review, each of the groups presented the results.

On day two, representatives from the Directorate for Personal Data Protection attended the meeting and answered all questions raised by the IT administrators. Participants rated the Roundtable successful with the explanation of complicated issues and the simplification of the concerns they had had.

3.2.2 Analyze Performance and Support Solutions for Improved Case Processing and Addressing Other Problems in the Administrative Court (AC)

On April 14, the JSP signed a subcontract with local consulting firm BASME to conduct a short and focused analysis of the operations and performance of the Administrative Court (AC) and prepare recommendations on how to improve efficiency in this court¹.

During May and June, Mr. Danilov, director of BASME met with the President of the AC, Judge Jetmire Ajdini-Bosnjaku, the President of the JC, Judge Zafiroska, and with the President of the State Commission for deciding Administrative Matters in the Second Instance, Ms. Irena Brzanova. Mr. Danilov developed tables to be populated with data by the AC, which will reflect the performance of operations of the court in the past years. Due to the unavailability of the President of the AC in the second half of June, this analysis will be completed and submitted to the JSP by July 15, 2014.

3.2.3 Continue Program-funded Study Tours

Study tour to the U.S.A. for Members of the Working Group for Differentiated Case Management (DCM).

Based on the recommendations of U.S. expert Marcus Zimmer, JSP hosted a study tour to the U.S.A. for the working group responsible for implementing the DCM and NTS in Macedonian courts. Eight judges, including the President of the JC and Presidents of Basic Court Skopje I and Skopje II, had the opportunity to learn about the US courts' successful implementation of DCM and NTS for case

¹ The AC was created by the Law on Courts in 2006 with the intention of increasing the efficiency of resolving administrative cases while simultaneously decreasing the administrative case backlog. The AC became fully operational in December 2007. Case backlogs, however, have only continued to increase. The project expects to identify bottlenecks in the system and recommend solutions for improving the AC's overall performance.

processing and how to apply this knowledge to the Macedonian Judiciary. The study tour was implemented by PHM International, a US based Company.

Prior to the study tour, the JSP supported planning meetings to discuss the goals, agenda, and administrative aspects of the study tour. Additionally, flow charts for the adjudication process of civil procedure, labor, family, and commercial cases were developed and tentatively divided based on the intended tracks of the Macedonian DCM which are the first steps towards introducing DCM in Macedonia.

The study tour was conducted from June 7 to 14, and the delegation was exposed to a series of in-depth briefings on current US practices pertaining to DCM Systems and fine examples of NTS from stakeholders with extensive experience in these areas.

The agenda of the study tour was implemented as follows:

- June 9 – Administrative Office of the US Courts
- June 9 – Washington DC Superior Court and Court of Appeals
- June 10 – National Center for State Courts – International Division
- June 12 – Circuit Court for Montgomery County
- June 12 – American Bar Association
- June 13 – Action Planning Session
- June 13 – Supreme Court of the United States

The following takeaways were identified by the study tour participants as important and applicable to the introduction of a DCM System and in the establishment of NTS in the Macedonian Judiciary:

- Statistics are an important part of DCM and of the overall functioning of the judiciary (as a means to forecast budget); better to be centralized and equipped with professional statisticians and analysts, not lawyers. Also crucial in determining NTS;
- Establishing case complexity criteria is an integral and crucial part of the DCM effort. One approach could be to base the criteria on relative case duration, or on the case type; give judges greater discretion in determining case complexity;
- Jurisprudence is very important;
- Establishment of a “judge’s team” is important in that it allows the judge to concentrate on judicial work and receive only prepared, ready to try cases;
- Introducing the possibility of transferring cases between judges; when a judge is overwhelmed with cases, a fellow judge should be able to take a few cases to relieve hi/her colleague;
- The exceptions from the timelines determined in the procedural laws are important and should be further elaborated in Macedonia laws and bylaws;
- The parties’ responsibility in the court proceedings should be greater and they should be held accountable for the duration of the trial (e.g., make it the litigants responsibility for service of process);
- ACCMIS should be configured similarly to the IJIS and CM/ECF, to allow judges’ cases to be monitored by their colleagues, in order to have an overview if one party at one trial has any other trials pending at the same time;
- A continuance policy is of paramount importance;

- While establishing the NTS, a good approach would be to establish longer deadlines and surpass them. The NTS should be revised and corrected every three to five years;
- A strategy/methodology should be prepared by the JC based on which the courts prepare the necessary info sheets, and sets timelines for every separate action before the court;
- Prior to introducing DCM, it is very important to dispose of all the old cases.

RESULT 4: CRISIS-MODIFIER AND MATERIAL SUPPORT

Refurbishment of a Courtroom at the Faculty of Law in Shtip

USAID and INL will jointly support the conversion of a classroom into a mock courtroom at the Goce Delcev University Faculty of Law in Shtip. The JSP will procure furniture and oversee the activity while INL will provide the necessary technical equipment.

ICS, the vendor that installed the audio recording equipment in the 30 civil courts, will provide the equipment for the mock courtroom. ICS prepared and provided to INL draft specifications for the necessary audio/video equipment that took into account the clarifications regarding the setup of the courtroom according to the Criminal Procedure Law provided by Judge Lazar Nanev, a criminal judge and professor at the Law School. ICS also prepared a plan for the cabling of the courtroom for inclusion in the refurbishment.

The JSP is waiting for approval of the environmental check list, after which the RFP will be published, based on the specifications for the refurbishment and furniture that the appointed architect prepared. It is expected that the works will be carried out during August and September.

Procurement of computers for the Administrative Court in Skopje

Ten computers and monitors were procured to support the needs of the Administrative Court in Skopje. The equipment was delivered and installed at the court on April 25 and is fully operational.

DISABILITY INCLUSIVE DEVELOPMENT

USAID has taken steps to raise awareness of the needs for people with disabilities and special needs in USAID-funded projects. In Macedonia, this segment of the population faces many challenges including lack of awareness and little accessible infrastructure. The project has been pro-active in advancing these objectives that include reaching out to people with disabilities as presenters at events and providing specialized accommodations as needed. A question of accessibility of courts for people of disability was raised at the sixth JBF on June 26-27, *reported above 2.1.1, pg. 13*. The Project distributed a questionnaire at the JBF regarding their adaptation of the conditions necessary for persons with disabilities that were developed by USAID grantee Youth Employability Skill Network and HandiMak /Disability Service Association. The courts will complete the questionnaire and send to the JSP. The project will continue to work with the court on improving conditions and accessibility for people with special needs.

EVENTS AND ACTIVITIES

The project is aware of how important it is to accurately report and document events. This quarterly report includes a matrix summarizing each event, training, forum, seminar, roundtable, etc., along with pertinent descriptive information.

Year III: April – June 2014

No.	Event	Date	Counterpart	Number of Participants	Gender		Result Requirement	Evaluation of Training Events (1 – 5)
					M	F		
1.	ELSA/MYLA training on Project Management Cycle	April 11, 2014	ELSA, MYLA	14	1	13	1.2	4.85
2.	Workshop for drafting Regulations for Personal Data Protection, Veles	April 15 – 16, 2014	Directorate for Personal Data Protection	22	9	13	2.2	N/A
3.	Promotion of ELSA and its brochures at Goce Delchev University Shtip	April 17, 2014	ELSA, UGD Shtip				1.2	N/A
4.	Workshop for drafting amendments to Law on Court Service, Dojran	April 28 – 29, 2014	CAA	20	11	9	1.2	N/A
5.	BASME Workshop for Shtip Appellate Region on court management	May 6 – 7, 2014	BASME	31	14	17	2.2	4.82
6.	Presentation of ELSA brochure on Juvenile Justice in BC Skopje	May 7	ELSA, BC Skopje I				1.2	N/A
7.	Study Tour in Serbia	May 11 – 13, 2014	SC, BC Veles	6	3	3	3.2	N/A
8.	Domestic violence Roundtable	May 15 – 16, 2014	ESE	8	3	5	1.2	N/A
9.	Harmonization meeting – Appellate Court Skopje with JTA	May 16, 2014	JTA, AC Skopje	45	22	23	2.2	N/A

10.	IT Roundtable	May 19 – 20, 2014	SC IT department, AC and BC	52	32	20	3.2	N/A
11.	BASME Workshop for Bitola appellate region on court management	May 19 – 20, 2014	BASME,	24	6	18	2.2	4.85
12.	BASME Workshop for Gostivar appellate region on court management	May 22 – 23, 2014	BASME,	15	8	7	2.2	4.56
13.	Commercial law roundtable with judges, lawyers and business chamber	May 23, 2014	JTA	46	15	31	3.1	N/A
14.	BASME Workshop for Skopje appellate region on court management	May 27 – 28, 2014	BASME,	35	12	23	2.2	4.7
15.	CAA Annual Assembly	May 28 – 30, 2014	CAA	87	38	49	1.2	N/A
16.	Finalization of staffing guidelines workshop	June 04 – 05, 2014	AO	17	8	9	2.2	N/A
17.	Differentiated Case Management and National Time Standards Study Tour to the USA	June 07 – 15, 2014	CBC, Appellate Courts, Basic Courts	8	4	4	3.1	N/A
18.	Rule of Law Council Workshop – Urmo Kubar consultancy	June 11 – 12, 2014	ROLC	20	5	15	1.2	N/A
19.	Domestic violence second Roundtable	June 16 – 17, 2014	ESE	10	4	6	1.2	N/A
20.	BASME presentation to all president judges	June 24, 2014	BASME, JC, AO, all courts	25	14	11	2.2	N/A
21.	6th Judicial Branch Forum	June 26 – 27, 2014	SC, CBC, JC, AC, High AC, AC, JTA	11	4	7	2.1	N/A
Total				496	213	283		

ISSUES OR PROBLEMS AFFECTING THE DELIVERY OR TIMING OF SERVICES

Problems have been minimal and confined to what is expected in the regular course of business. None have been extraordinary and all have been addressed and resolved.